

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

COPY

3 -----X

4 LETICIA FRANCINE STIDHUM,
5 Plaintiff,

6 -against- CASE: 21-CV-07163

7 161-10 HILLSIDE AUTO AVE, LLC d/b/a HILLSIDE
8 AUTO OUTLET, and HILLSIDE AUTO MALL INC
9 d/b/a HILLSIDE AUTO MALL, ISHAQUE THANWALLA,
JORY BARON, RONALD M. BARON and ANDRIS GUZMAN,

10 Defendants.

11 -----X

12 March 10, 2023

13 10:00 A.M.

14
15 VIRTUAL EXAMINATION BEFORE TRIAL of
16 DEANA JENNINGS, via Zoom, a 30(b)6 witness
17 herein, held at the above-mentioned time and
18 taken before Lynn Luckman, a Notary Public
19 and Shorthand Reporter within and for the
20 State of New York.

21
22
23 SANDY SAUNDERS REPORTING
24 254 South Main Street, Suite 216
New City, New York 10956
25 (845) 634-7561

A P P E A R A N C E S :

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FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by
and between counsel for the respective parties
hereto that all objections except as to the
form shall be reserved to the time of trial.

IT IS FURTHER STIPULATED AND AGREED
that the sealing and filing of this deposition
shall be hereby waived.

IT IS FURTHER STIPULATED AND AGREED
that this examination may be sworn to by the
witness being examined before a notary public
other than the notary public before whom
examination was begun examination was begun.

Deana Jennings

BY THE COURT REPORTER:

The attorneys participating
in this deposition
acknowledge that I am not
physically present in the
deposition room and that I
will be reporting this
deposition remotely. They
further acknowledge that, in
lieu of an oath administered
in person, I will administer
the oath remotely. The
parties and their counsel
consent to this arrangement
and waive any objections to
this manner of reporting.

MS. TROY: I consent

MR. KATAEV: I
consent.

* * *

Deana Jennings

D-E-A-N-A J-E-N-N-I-N-G-S, a
30(b)6 witness herein, after having been
duly sworn by a Notary Public of the
State of New York, was examined and
testified as follows:

BY THE REPORTER:

Q. Please state your full name
for the record.

A. Deana Jennings.

Q. Please state your present
address for the record.

A. 49 Staghorn Drive Matawan
N.J. 07747.

EXAMINATION BY

TIFFANY TROY:

Q. Good morning. Mr. Kataev, for
the record, please have your witness show
her ID.

(The witness complies)

That's good.

MS. TROY: Please, Ms.

Court reporter mark Exhibit

Deana Jennings

20 as the ID, deem it marked.

(The court reporter
complies).

Q. Good morning, have you ever been
part of a deposition before?

A. No.

Q. In that case, I'm going to
explain what a deposition is and lay down
some ground rules going forward.

First, this deposition is for me to ask
you questions and for you to answer my
questions about the subject matter of this
lawsuit; do you understand?

A. Yes.

Q. Since the court reporter has to
take down everything that you say, I ask
that you give verbal responses; no shakes or
nodding of your head and no gestures; do you
understand?

A. Okay.

Q. For that same reason, please
speak loudly and clearly when you answer my
question.

A. Okay.

1 Deana Jennings

2 Q. The stenographer can only take
3 down one person speaking at a time.
4 Therefore, please do not start to answer one
5 of my questions before I stop asking it;
6 likewise, I will not start any question
7 until you have finished answering my last
8 question; okay?

9 A. Okay.

10 Q. If you have a particularly long
11 answer, please break in between sentences so
12 that the stenographer can note down your
13 responses and then you can continue.

14 A. Okay.

15 Q. If you need to take a break for
16 example, to get a drink of water or to use
17 the restroom, please let me know and I will
18 call for a recess. However, there can be no
19 break in between one of my questions and
20 your answer to that question; do you
21 understand?

22 A. Yes.

23 Q. From time to time your attorney
24 may make objections to my questions.
25 Generally, however, unless your attorney

1 Deana Jennings

2 tells you not to answer, you will still have
3 to respond; do you understand?

4 A. Yes.

5 Q. If you don't understand a
6 question, tell me and I'll rephrase it so
7 that you can. If you don't hear a question,
8 tell me and I'll repeat it so that you do;
9 do you understand?

10 A. Yes.

11 Q. We are here today for facts and
12 not speculation. Therefore, if you don't
13 know an answer to a question, say so.

14 A. Okay.

15 Q. Do you understand that you have
16 taken an oath to tell the truth?

17 A. Yes.

18 Q. Do you understand that your oath
19 to tell the truth carries the same force and
20 effect as if you were testifying in court
21 before a Judge?

22 A. Yes.

23 Q. Are you currently taking any
24 medications that could prevent you from
25 recalling the truth or testifying truthfully

1 Deana Jennings

2 and completely today?

3 A. No.

4 Q. Are currently under any physical
5 or emotional condition that could prevent
6 you from recalling the truth or testifying
7 truthfully and completely today?

8 A. No.

9 Q. Do you agree that during this
10 deposition, except during on break, you are
11 not going to be communicating with anyone by
12 email, chat or instant message on your phone
13 or any other device?

14 A. Yes.

15 Q. Do you agree that besides the
16 documents that I will be showing you on the
17 screen as exhibits today that you will not
18 be reviewing any notes on your computer,
19 cell phone or any other device?

20 A. Yes.

21 Q. Do you have a cell phone on you
22 or near you?

23 A. Not on me.

24 Q. Where is your cell phone?

25 A. I left it in the car.

1 Deana Jennings

2 Q. Why did you leave your cell
3 phone in the car?

4 MR. KATAEV: Objection.
5 You were harassing. You may
6 answer the question.

7 A. I forgot to plug it in and I
8 wanted to be on time this morning.

9 Q. Besides your attorney, did you
10 speak with anyone in order to prepare for
11 today's deposition?

12 A. Yes.

13 Q. With whom did you speak?

14 A. We had a virtual meeting with
15 the other defendant.

16 Q. Was your attorney present?

17 A. Yes.

18 Q. For how long did you prepare?

19 A. I can't remember, it was more
20 than an hour but I honestly can't recall how
21 long it was.

22 Q. Do you recall when it was?

23 A. I can't remember for certain,
24 I'm sorry.

25 Q. What did you do to prepare for

1 Deana Jennings

2 your deposition today, and the caveat is,
3 don't tell me anything that you discussed
4 with your attorney?

5 A. We went over the
6 Interrogatories, and that is pretty much it,
7 that's it.

8 Q. Besides the Interrogatories, did
9 you review any other documents in
10 preparation for today's deposition?

11 A. Yes, some of the evidence.

12 Q. Can you describe what type of
13 evidence you reviewed?

14 A. Yes, it was the text messages, I
15 saw some VIN Solutions printouts and a pay
16 stub or 2. That is what I can recall.

17 Q. Did you review any other
18 documents?

19 A. I can't recall.

20 Q. You mentioned that you had an
21 ``virtual meeting with the other defendant;''
22 was that yesterday?

23 A. No.

24 Q. By ``other defendants,'' can you
25 name which are the other defendants that

Deana Jennings

were present?

A. Am I allowed to say it?

MR. KATAEV: Yes.

A. It was Ishaque Thanwalla, Jory Baron, Josh Aronson and Andris Guzman.

Q. During that meeting, were there any other documents that you reviewed besides which you have described for me?

MR. KATAEV: Objection.

Asked and answered. You can answer the question.

A. From what I can recall, not sure exactly.

Q. Meaning you are not sure if --

A. If there were more documents besides those.

Q. Please go ahead and complete your response.

A. That was it.

Q. Have you ever been arrested before?

A. No.

Q. Do you own the residence that you gave at the beginning of this deposition?

1 Deana Jennings

2 A. No.

3 MR. KATAEV: Objection as
4 to relevance.

5 A. (Continuing) No.

6 Q. Besides the address that you
7 gave at the beginning of this deposition,
8 have you lived anywhere else in the past 5
9 years?

10 A. Yes.

11 Q. Starting from the most recent,
12 where was the address that you lived prior
13 to the address that you gave at the
14 beginning of this deposition?

15 A. Oh my gosh -- 10, Amber Court
16 Westbury, New York.

17 Q. Have you lived anywhere else
18 within the past 5 years?

19 A. No.

20 Q. What is your highest level of
21 education?

22 A. Some college.

23 Q. Are you currently employed?

24 A. Yes.

25 Q. Who is your employer?

1 Deana Jennings

2 A. Hillside Auto Mall, Inc.

3 Q. Besides Hillside Auto Mall,
4 Inc., do you have any other employer?

5 A. No.

6 Q. Currently how many days do you
7 work for Hillside Auto Mall, Inc.?

8 A. Five.

9 Q. Do you have a set schedule?

10 A. Pretty much 10 to 5.

11 Q. In what year did you begin
12 working for Hillside Auto Mall, Inc.?

13 A. 2008.

14 Q. Have you worked for any other
15 employer at the same time that you worked
16 for Hillside Auto Mall?

17 A. Yes.

18 Q. Can you name that employer for
19 me, please?

20 A. I worked part-time for Hillside
21 Auto Outlet, LLC.

22 Q. Can you tell me what year you
23 began working at Hillside Auto Outlet, LLC?

24 A. 2018.

25 Q. Besides Hillside Auto Mall and

1 Deana Jennings

2 Hillside Auto Outlet, LLC, have you worked
3 for any other employer since 2008?

4 A. No.

5 Q. Can you give me the address for
6 Hillside Auto Mall Inc.?

7 A. Hillside Auto Mall is 150-01
8 Hillside Avenue, Jamaica, New York, 11432.

9 Q. How about Hillside Auto Outlet
10 LLC?

11 A. They are located at 161-10
12 Hillside Avenue, Jamaica, New York, 11432.

13 Q. What is your position with
14 Hillside Auto Mall, Inc.?

15 A. I am the controller.

16 Q. As the controller, what are your
17 responsibilities?

18 A. I maintain the books, payroll,
19 bills, sales tax, facts, I do some DMV.

20 Q. What about maintaining the
21 books, specifically what did you mean?

22 A. I do the accounting.

23 Q. Are you a certified public
24 accountant?

25 A. No.

1 Deana Jennings

2 Q. Besides which you have already
3 mentioned, do you have any other
4 responsibilities as the controller at
5 Hillside Auto Mall, Inc?

6 A. No.

7 Q. What year did you stop working
8 for Hillside Auto Outlet LLC?

9 A. I think currently, 2020.

10 Q. Who hired you in 2008 at
11 Hillside Auto Mall, Inc?

12 A. Josh Aronson.

13 Q. Was your schedule 5 days a week
14 from 10:00 a.m. to 5:00 p.m. in 2008?

15 A. Which store?

16 Q. Let's start from Hillside Auto
17 Mall Inc.

18 A. Yes, 10 to 5.

19 Q. Was it 5 days per week at the
20 time when you were hired?

21 A. Yes.

22 Q. Is it fair to say that between
23 2008 and 2018 before you were hired by
24 Hillside Auto Outlet, LLC, that you worked 5
25 days a week at Hillside Auto Mall, Inc?

1 Deana Jennings

2 A. Yes.

3 Q. Do you recall which month you
4 were hired by Hillside Auto Outlet LLC?

5 A. I can't recall off the top of my
6 head.

7 Q. Who hired you?

8 A. Josh Aronson.

9 Q. Between 2018 and early 2020, how
10 many days would you work for Hillside Auto
11 Mall Inc. and how many days would you work
12 for Hillside Auto Outlet LLC?

13 A. Same time, I usually split up my
14 workload.

15 Q. So, if there were 5 days a week,
16 how many days would you work between 2018
17 and early 2020 at Hillside Auto Mall, Inc?

18 A. Hillside Auto Mall, Inc?

19 Q. Yes.

20 A. Five.

21 Q. So, between 2018 and early 2020,
22 5 days per week, you would be working at
23 Hillside Auto Mall, Inc?

24 A. Yes.

25 Q. During that time, you would also

1 Deana Jennings

2 maintain the books, payroll ,bills, sales
3 tax and DMV for Hillside Auto LLC as well?

4 A. For Hillside Auto Outlet LLC,
5 everything mentioned minus the DMV.

6 Q. Ms. Jennings, what is your
7 birthdate?

8 A. February 16th, 1979.

9 Q. You are here today as a 30(b)6
10 witness for 161-10 Hillside Auto Avenue LLC,
11 as well as Hillside Auto Mall Inc. Do you
12 understand that your testimony will be
13 binding as to those corporate defendants?

14 MR. KATAEV: Objection to
15 the form. It calls for a
16 legal conclusion, you can
17 answer the question.

18 A. Can you repeat the question
19 again? I'm sorry.

20 MS. TROY: Ms. Court
21 reporter, will you please
22 read it back.

23 (The reporter read back the
24 last question)

25 A. Yes.

Deana Jennings

Q. Earlier when you mentioned Hillside Auto Outlet LLC, is that the same or different from the 161-10 Hillside Auto Avenue LLC?

A. It's the same, it's the D/B/A.

Q. Which one is the D/B/A?

A. It is 161-10. Hillside Auto Avenue, LLC D/B/A Outlet, If I'm correct.

Q. Would you work on-site for both Hillside Auto Mall Inc. And 161-10 Hillside Auto Avenue LLC?

A. I have been at Hillside Auto Outlet location.

Q. Is that the same between 2018 and early 2020?

A. Yes.

Q. Was your position the same at Hillside Auto Outlet as Hillside Auto Mall?

A. Yes.

Q. So, you were the controller for Hillside Auto Outlet and Hillside Auto Mall? The difference is that you would not do the DMV for Hillside Auto Outlet; is that correct?

1 Deana Jennings

2 A. Correct.

3 Q. Besides the two companies that
4 you mentioned, did you work for any other
5 employers since 2008?

6 A. No.

7 Q. At the time when you began to do
8 work for Hillside Auto Outlet, in addition
9 to Hillside Auto Mall, what was said to you
10 by Josh Aronson?

11 A. Can you repeat that again?

12 MS. TROY: Ms. Reporter,
13 if you don't mind reading it
14 back.

15 (The reporter read back the
16 last question)

17 A. He was opening up another store
18 and he wanted me to be the controller until
19 they found a full-time person for the
20 position.

21 Q. Is it fair to say that you were
22 the controller for Hillside Auto Outlet on
23 or around when it began, meaning on or about
24 when it opened in 2018?

25 A. Yes.

1 Deana Jennings

2 Q. You mentioned Josh Aronson. How
3 are you familiar with him?

4 A. Josh is a shareholder at
5 Hillside Auto Mall where I am employed, and
6 he is also a member of Hillside Auto Outlet.

7 Q. While working for Hillside Auto
8 Mall and Hillside Auto Outlet between 2018
9 and early 2020, were there any people
10 working under you or for you?

11 A. No.

12 Q. Was there like an assistant,
13 meaning a controller assistant or an office
14 assistant, someone who helped you with the
15 job?

16 A. At which location?

17 Q. Let's start from Hillside Auto
18 Mall.

19 A. No.

20 Q. How about at Hillside Auto
21 Outlet location?

22 A. No, not assistant, but they had
23 somebody that did the motor vehicle and a
24 bookkeeper here and there throughout the
25 year.

1 Deana Jennings

2 Q. You mentioned that you would do
3 the payroll for the Hillside Auto Mall as
4 well as Hillside Auto Outlet. Can you
5 describe how the payroll would be done?

6 A. At Hillside Auto Mall, I would
7 have one of our managers collect the
8 commission sheets and then I would just
9 tally it up. Then, I would submit it to, I
10 believe it was -- I don't know which
11 company, possibly ADP.

12 Q. How about for Hillside Auto
13 Outlet?

14 A. Pretty much the same thing.
15 They would collect commission sheets and I
16 believe they would total everything and I
17 just submitted the information.

18 Q. How would they transmit those
19 sheets; was it by email or in-person?

20 A. Oh, I can't recall.

21 Q. How would they submit those?

22 A. Transmit.

23 Q. Between 2018 and early 2020,
24 were you on the payroll for both companies?

25 A. Yes.

1 Deana Jennings

2 Q. Besides hiring you, did Josh
3 Aronson hire anyone else, and let's start
4 from Hillside Auto Mall?

5 A. No.

6 Q. How about for Hillside Auto
7 Outlet?

8 A. If Josh hired people?

9 Q. Other than yourself.

10 The question is: did Josh Aronson hire
11 anyone else besides you for Hillside Auto
12 Outlet?

13 A. No.

14 Q. Did Hillside Auto Outlet own the
15 premises or did it lease it?

16 A. I believe it's leased.

17 Q. How about for Hillside Auto
18 Mall?

19 A. Hillside Auto Mall is leased.

20 Q. With respect to Josh Aronson,
21 what are his job responsibilities as a
22 shareholder for Hillside Auto Mall?

23 MR. KATAEV: Objection as
24 to relevance. You can
25 answer.

1 Deana Jennings

2 A. He is the operating member of
3 Hillside Auto.

4 Q. As the operating member, what
5 are his responsibilities?

6 A. Nothing much, Isaac handles all
7 that.

8 Q. How about Hillside Auto Outlet,
9 what are his responsibilities?

10 A. Whose responsibilities?

11 Q. Josh Aronson.

12 A. I thought you were asking me
13 about Hillside Auto Outlet with the previous
14 question. I'm sorry.

15 Q. What are Josh Aronson's
16 responsibilities at Hillside Auto Mall?

17 A. He is our secretary, and he
18 doesn't have any responsibilities within the
19 dealership.

20 Q. Earlier your response pertaining
21 to the operating member of Hillside Auto,
22 you were referring to his responsibilities
23 as related to Hillside Auto Outlet; is that
24 correct?

25 A. Yes.

1 Deana Jennings

2 Q. So, Isaac who you saw yesterday
3 on the Zoom, how are you familiar with him?

4 A. He is the general manager and
5 member of Hillside Auto Outlet.

6 Q. Did Josh Aronson have the power
7 to hire and fire for Hillside Auto Mall?

8 A. I would say yes. Since he is an
9 owner, but we have managers that handle
10 those responsibilities within the
11 dealership.

12 Q. How about for Hillside Auto
13 Outlet, did Josh Aronson have the power to
14 hire and fire?

15 A. Again, he is a member, so I
16 would say he would have the ability to, and
17 again, he has a team of people to do that
18 for him.

19 Q. Did you maintain the employee
20 records for Hillside Auto Mall?

21 A. Yes.

22 Q. How about for Hillside Auto
23 Outlet between 2018 and early 2020?

24 A. Yes.

25 Q. Earlier you mentioned the

1 Deana Jennings

2 commission sheets. How are the commission
3 sheets kept?

4 A. At Auto Outlet or Auto Mall?

5 Q. Let's start from Auto Mall and
6 then we will move on to Auto Outlet.

7 A. I would keep them in the
8 employee file.

9 Q. That file, is that a paper file
10 or an electronic file?

11 A. Paper.

12 Q. When you say ``employee file,``
13 what category of employees are you talking
14 about?

15 A. I just had a folder with the
16 employee's names and I would keep all of
17 their commission sheets in that folder.

18 Q. Let me sort of try to clarify my
19 question. My question is: what type of
20 employees would have an employee file with
21 the commission sheets, was that all the
22 employees or --

23 A. Just the sale sales associates.

24 Q. Would the business development
25 center people have any employee files as

1 Deana Jennings

2 well?

3 A. Yes.

4 Q. Were employee files kept for
5 non-commission employees?

6 A. I have an employee file for
7 them, yes.

8 Q. Was that for each employee that
9 there is a separate file folder?

10 A. Yes. Whoever is hired, they get
11 a folder.

12 Q. For how long are the records
13 kept?

14 A. I think I still have them.

15 Q. Between 2008 and the present
16 day, did you throw out any of the employee
17 files?

18 A. No.

19 Q. Were any of the employee files
20 missing or lost that you know of between
21 2008 and the present day?

22 A. Not to my knowledge.

23 Q. Let's turn our attention to
24 Hillside Auto Outlet. How are the employee
25 records kept there?

1 Deana Jennings

2 A. To the best of my knowledge,
3 it's the same way. There is an employee
4 folder.

5 Q. Let's turn our attention now for
6 a second to the car salespeople
7 specifically, what would be in a typical car
8 salesperson's employee folder?

9 A. Driver's license, another form
10 of identification, their social security,
11 passport, the employee package. That would
12 be the employee package, and they might have
13 had a folder for commission sheets, Hillside
14 Auto Mall had separate at that point.

15 Q. You are saying that Hillside
16 Auto Mall would have two folders, if it's
17 for a car salesperson; one folder is with
18 the driver's license, ID and the employee
19 package and another folder is for the
20 commission sheets?

21 A. Yes.

22 Q. To your knowledge, were the
23 records ever lost or did you guys ever
24 discard any records between 2018 and the
25 present day?

1 Deana Jennings

2 A. No. I think there was a law
3 that you have to hold documentation for at
4 least seven years before discarding it or
5 shredding it.

6 Q. Let's focus on commission sheets
7 for a second. The commission sheets are
8 filled out on a weekly basis; is that
9 correct?

10 A. Correct.

11 Q. The commission sheets that are
12 filled out on a weekly basis, would that
13 include what information, can you describe
14 it for me?

15 A. For Auto Mall?

16 Q. Let's start from Auto Mall and
17 then we will go to Auto Outlet.

18 A. Okay. For Auto Mall, we have a
19 sheet with the salesperson's name or the
20 BDC, rep's name. It would list the amount
21 of time, it would be the customer's name,
22 possibly a partial VIN number, VIN number of
23 the car that they purchased. Sometimes the
24 date that it was sold.

25 Q. Any other information that would

Deana Jennings

be contained?

A. That is pretty much it.

Q. Would it include the sales price and the commission that the car salesperson would receive?

A. Sometimes they would write it on there for me.

Q. If it was not written on there for you, what would happen?

A. I know their pay plan.

Q. What was the pay plan for a Hillside Auto Mall?

A. Hillside Auto Mall is 250 salary, \$250 salary and 100 commission.

Q. Would that \$100 commission be per car?

A. Yes.

Q. Was there any bonus structure at Hillside Auto Mall?

A. No.

Q. When you said that you would tally up the numbers, you would tally the number of cars sold and multiply it by the commission, then add the salary; is that

Deana Jennings

correct?

A. On the sheet, I would just tally up their commissions, and the salary was just standard.

Q. So, when you would tally up the number, that would be the number of cars sold?

A. Yes.

Q. Once you tallied up the number of cars sold, you would then pass that information to a third party, whether that was ADP or some other company; is that correct?

A. Correct.

Q. Now let's turn your attention to Hillside Auto Outlet. Are the commission sheets the same or different from that of Hillside Auto Mall?

A. It was pretty much the same, although they had a bookkeeper there and I would print out the name and they would tell me who gets paid this per week with the commission, what it was and whatnot.

MR. KATAEV: Can you hang

1 Deana Jennings

2 on one second, Tiffany?

3 MS. TROY: Yes.

4 (A recess was taken from
5 10:41 until 10:43)

6 MS. TROY: Are you ready
7 to continue?

8 MR. KATAEV: Ready to
9 continue. Thank you.

10 MS. TROY: I believe your
11 client was responding --

12 MR. KATAEV: I thought she
13 was done.

14 Q. Did you finish what you were
15 saying?

16 A. Okay. I did not finish my
17 thought.

18 Q. Perfect, go ahead.

19 A. (Continuing) I have a printout
20 of the payroll screen with the employee's
21 names and they would write it for me to make
22 it easier. They did 2 separate entries the
23 same day to make it easier for me.

24 Q. What was the pay plan at
25 Hillside Auto Outlet?

1 Deana Jennings

2 A. The paid plan for Outlet was, I
3 believe 300 commission, 300 salary and 150
4 commission.

5 Q. Was there a bonus structure of 5
6 percent at any time while you were working
7 as the controller?

8 MR. KATAEV: Objection.

9 Vague. You can answer.

10 A. I believe they did have a bonus
11 structure at Outlet, Hillside Auto Outlet.

12 Q. On the commission sheet for
13 Hillside Auto Outlet salespeople, what would
14 the tally look like?

15 A. I can't recall that far back.
16 It's just should be just the full amount,
17 what the specific salesperson or employee
18 was getting paid that week.

19 Q. To your knowledge, was Leticia's
20 folder like the two folders that you talked
21 about, are they still there at Hillside Auto
22 Outlet?

23 A. I can't recall.

24 Q. You mentioned that Isaac was the
25 manager for Hillside Auto Outlet; as the

1 Deana Jennings

2 manager, did he have the power to hire and
3 fire?

4 A. The general manager, yes, he had
5 the ability to hire and fire, yes.

6 Q. Let's backtrack for second was
7 the pay for Hillside Auto Mall employees
8 only dependent upon the number of cars sold?

9 A. Can you rephrase your question?

10 Q. Sure. How was the pay for
11 Hillside Auto Mall employees computed, and
12 I'm talking specifically about the car
13 salespeople?

14 A. How was it recorded?

15 Q. Yes, correct.

16 A. I don't recall commission
17 sheets, might have had a blackboard in the
18 office, possibly a CRM.

19 Q. Just so the record is clear,
20 what is an ``crm?``

21 A. That is the platform and I don't
22 know exactly what it stands for. But, the
23 platform for specific company, it could be
24 advertising or different companies.

25 Q. You were talking about the

1 Deana Jennings

2 Blackboard in the office, what would that
3 Blackboard contain, what information would
4 it contain?

5 A. To my knowledge, it could have
6 had the salespeople's names and tally of how
7 many deals and that could be confusing,
8 Hillside Auto Mall.

9 Q. Did either Hillside Auto Mall or
10 Hillside Outlet have its time clock?

11 A. Hillside Auto Mall does not have
12 one, and I don't recall if Auto Outlet had a
13 time clock.

14 Q. Did the salespeople's weekly
15 salary depend on the number of hours that
16 they worked?

17 A. To the best of my knowledge, no.

18 Q. Are you familiar with an
19 individual Susan Zhivo Z-H-I-V-O?

20 A. Yes.

21 Q. How are you familiar with her?

22 A. She is the controller at
23 Hillside Auto Outlet.

24 Q. Was she your successor?

25 MR. KATAEV: Objection to

1 Deana Jennings

2 the form on that one.

3 A. Yes.

4 Q. Do you recall when she began
5 working at Hillside Auto Outlet?

6 A. I believe 2020.

7 Q. To your knowledge, are her
8 responsibilities the same as yours?

9 A. To my knowledge, yes.

10 Q. Are you familiar with David
11 Barron, the late David Barron?

12 A. Yes.

13 Q. What were his responsibilities,
14 and let's start at Hillside Auto Mall?

15 A. He is -- he was the Vice
16 President of Hillside Auto Mall, but no
17 responsibilities within the dealership.

18 Q. How about at Hillside Auto
19 Outlet?

20 A. David was a member of Hillside
21 Auto Outlet, same thing, no responsibilities
22 within the dealership.

23 Q. Are you familiar with Jory
24 Baron?

25 A. Yes.

1 Deana Jennings

2 Q. What are his responsibilities at
3 Hillside Auto Mall?

4 A. Hillside Auto Mall?

5 Q. Correct.

6 A. Jory is not connected to
7 Hillside Auto Mall.

8 Q. How about Hillside Auto Outlet?

9 A. He is also a member.

10 Q. What are his responsibilities?

11 A. He would -- he does -- I
12 remember just maybe signing checks weekly,
13 nothing pertaining to like daily activities
14 within the dealership.

15 Q. Did Isaac also have the power to
16 sign checks at Hillside Auto Outlet?

17 A. No.

18 Q. Besides Jory, is there anyone
19 else that has the authority to sign checks
20 for a Hillside Auto Outlet?

21 A. To the best of my knowledge, I
22 believe Josh Aronson and David Barron.

23 Q. Are you familiar with Raymond
24 Phelan P-H-E-L-A-N?

25 A. Yes.

1 Deana Jennings

2 Q. What are his responsibilities at
3 Hillside Auto Mall?

4 A. Raymond specifically is the
5 treasurer and he is pretty much like the
6 general manager. He is at the dealership
7 every day and he oversees everything and he
8 hires and fires.

9 Q. Does Ray Phelan have any
10 connection with Hillside Auto Outlet?

11 A. No.

12 Q. Is it fair to say that each of
13 the owners, meaning the late David Barron,
14 Josh Aronson, Jory Baron and Isaac Thanwalla
15 had the power to hire and fire at Hillside
16 Auto Outlet?

17 MR. KATAEV: Objection.
18 Compounds and calls for legal
19 conclusion. You can answer
20 the question.

21 A. Can you repeat the names again,
22 please?

23 MS. TROY: Sure. Ms.
24 Court reporter, if you don't
25 mind reading back the last

1 Deana Jennings

2 question.

3 (The reporter read back the
4 last question)

5 A. Yes.

6 Q. Is it fair to say that each of
7 the members, meaning Ronald, Baron, Ronald
8 Baron, the late David Baron, Josh Aronson
9 and Raymond Phelan had have or had the power
10 to hire and fire at Hillside Auto Mall?

11 A. Yes.

12 Q. Do you know who signed the lease
13 on behalf of Hillside Auto Outlet?

14 MR. KATAEV: Objection to
15 relevance. You can answer.

16 A. I don't recall.

17 Q. How about for Hillside Auto
18 Mall?

19 A. Do you mean the original lease
20 back in 2008?

21 Q. Yes.

22 A. I wouldn't know that far back.

23 Q. How about the current lease?

24 A. The current lease for Hillside
25 Auto Mall was signed by Josh Aronson.

1 Deana Jennings

2 Q. Going to backtrack for a second,
3 who incorporated Hillside Auto Mall, Inc?

4 A. I wouldn't know, I wasn't
5 employed there when they opened up.

6 Q. When was that, was that in 2006
7 or --

8 A. 2005 or 2006.

9 Q. Who filed the articles of
10 incorporation for 161-10 Hillside Auto
11 Avenue LLC?

12 A. Who filed the articles of
13 incorporation?

14 A. I wouldn't know that without my
15 records.

16 Q. Are you familiar with whether
17 Hillside Auto Mall, whether at the time of
18 its incorporation, any attorneys were
19 consulted?

20 A. When they first opened up
21 Hillside Auto Mall?

22 Q. Correct.

23 A. I was not employed at that time,
24 so I wouldn't know.

25 Q. How about for 161-10 Hillside

1 Deana Jennings

2 Auto Avenue LLC, at the time when that was
3 formed, did any member consult with an
4 attorney?

5 A. I wouldn't know without my
6 records.

7 Q. Do you know who was the signer
8 for the current lease of Hillside Auto
9 Outlet?

10 A. No.

11 Q. What is the name of the landlord
12 for Hillside Auto Mall?

13 A. Hillside Auto Mall?

14 Q. Right.

15 MR. KATAEV: Objection as
16 to relevance. You can
17 answer.

18 A. Eldee E -L-D-E -E Auto Sales.

19 Q. For Hillside Auto Outlet, who is
20 the landlord?

21 A. I can't think of the name, I
22 believe to the best of my knowledge, the
23 Estate of Ezekiel E-Z-E-K-I-E-L Koepfel. K-O
24 -E-- P -P-E- L. That is when I was employed
25 there and I don't know if they switched

1 Deana Jennings

2 landlords from 2020 until now.

3 Q. Who sets the pay plan or the pay
4 structure, and let's start from Hillside
5 Auto Mall?

6 A. Majority of the time, it is
7 Raymond Phelan.

8 Q. How about for Hillside Auto
9 Outlet?

10 A. Isaac.

11 Q. Were you ever present at sales
12 meetings between Jory Baron and Ishaque
13 Thanwalla?

14 A. Sales meetings?

15 Q. Or, like weekly or monthly
16 meetings.

17 A. No.

18 Q. To your knowledge, what, if any,
19 posters are posted at Hillside Auto Mall?

20 A. We have the Labor Law posters,
21 we have the Consumer Affairs poster, we have
22 Covid posters until recently. That is
23 pretty much what I can think of off the top
24 of my head.

25 Q. The Labor Law posters, what was

1 Deana Jennings

2 the year that it was first posted at
3 Hillside Auto Mall?

4 A. I wouldn't know, I became
5 employed by Hillside Auto Mall in 2008. So,
6 maybe 6 years after they opened.

7 Q. Where is the Labor Law poster
8 posted?

9 A. On the wall in the main trailer.

10 Q. What does the Labor Law poster
11 look like?

12 A. (It's a poster) and I don't know
13 how to describe it. It has the minimum wage
14 on it, and it is in blue, thus there is a
15 year Asha, there is the minimum wage and it
16 is Spanish and it is it also, and it is
17 laminated.

18 Q. How about at Hillside Auto
19 Outlet, were there posters?

20 A. Yes.

21 MR. KATAEV: For the
22 record, your description was
23 pretty good. Just joking.

24 Q. For Hillside Auto Outlet, when
25 was the first time when the poster was

1 Deana Jennings

2 posted?

3 A. I can't recall the date that
4 they hung it up.

5 Q. Was it the day when you started
6 working or sometime after?

7 A. I can't recall.

8 Q. Do you recall where it was
9 posted within the Outlet?

10 A. If my memory serves me right, on
11 the wall in between the main trailer and the
12 office. But, if my memory serves me right,
13 they might have moved them.

14 Q. How many bank accounts did
15 Hillside Auto Mall have?

16 A. What year?

17 Q. Let's start from right now.

18 A. Now, Hillside Auto Mall has 3.

19 Q. Let's walk back to 2018, how
20 many bank accounts did it have back then?

21 A. I believe in 2018, I think
22 probably 3 at that point as well, as far as
23 I can recall.

24 Q. Do you recall at which bank?

25 A. We have JPMorgan Chase & Co and

1 Deana Jennings

2 TD Bank.

3 Q. How about for Hillside Auto
4 Outlet, how many bank accounts does it have
5 currently?

6 A. Currently, I wouldn't know.

7 Q. Right before you left in 2020,
8 how many bank accounts did it have?

9 A. I believe they had 4, might have
10 been 3 due to fraudulent transactions.
11 Maybe 3 or 4.

12 Q. Which bank was it --

13 A. In 2018 to 2020, I believe it
14 was just JPMorgan Chase.

15 Q. Who had the authority to
16 withdraw money from Hillside Auto Mall's
17 bank account?

18 MR. KATAEV: Objection as
19 to relevance. Also, all of
20 these financial questions
21 were decided in the Motion,
22 and I instruct the witness on
23 the basis on that basis not
24 to answer the question.

25 MS. TROY: The judge

1 Deana Jennings
2 stated in a very specific
3 reason with respect to
4 discovery and financial
5 information. If I can have
6 your commitment that because
7 of discovery, and I believe
8 it closes on March 24th, I
9 don't believe that this stage
10 of discovery is now
11 different. If you are
12 instructing your witness not
13 to answer on the basis of the
14 order of the motion to
15 compel, maybe you are
16 subjecting your witness to a
17 second deposition.

18 MR. KATAEV: I believe
19 that we should actually do
20 this off the record.

21 MS. TROY: We can keep it
22 on the record, just this
23 portion.

24 MR. KATAEV: Okay. What I
25 think we can do is in the

1 Deana Jennings
2 event that the judge decides
3 that the question was proper,
4 I am comfortable submitting
5 interrogatory responses
6 unless the court orders her
7 to come back for another
8 deposition.

9 MS TROY: That is fine.

10 MR. KATAEV: Thank you for
11 that.

12 Q. Who had the authority to
13 withdraw money from Hillside Auto Outlet's
14 bank account?

15 MR. KATAEV: Same
16 objection and same
17 instruction on that.

18 A. (No response per her attorney)

19 Q. Roughly how many cars on-average
20 does Hillside Auto Mall sell?

21 A. It's a tough industry right now,
22 between maybe 30 and 50, depending on the
23 economy and the market.

24 Q. Back in 2018 and 2019, how many
25 cars were sold?

1 Deana Jennings

2 A. I wouldn't know off the top of
3 my head without my records. I'm sorry.

4 Q. What records, if any, would
5 include the number of cars sold by the
6 dealership?

7 A. Would it show how many cars were
8 sold by the dealership?

9 Q. Correct. For instance, for
10 Hillside Auto Mall, what records would show
11 the number of cars sold back in 2018 and
12 2019?

13 A. Our computer system.

14 Q. Is that computer system the same
15 or different from VIN Solutions?

16 A. It's different.

17 Q. Can you describe for me the
18 computer system, what type, what kind of
19 data is included?

20 A. It is our operating system and
21 it has the deals for the vehicles that were
22 sold, that is the accounting and it has
23 vehicle information.

24 Q. How about for Hillside Auto
25 Outlet, right before you left, how many cars

1 Deana Jennings

2 were sold per-month?

3 A. I wouldn't know offhand without
4 my records. I'm sorry.

5 Q. Did you review at all the sales
6 records in preparation for today's
7 deposition, and specifically the sales
8 records for Hillside Auto Outlet between
9 2018 and 2019?

10 A. I believe so.

11 Q. When you say that you ``believe
12 so,'' do you mean yes, you did?

13 A. I reviewed a lot of documents
14 and I can't recall if it was specifically
15 her information or her computer sheets.

16 Q. Did you review her computer
17 sheets in preparation for today's
18 deposition?

19 A. I can't recall if I saw them in
20 the documents that I reviewed.

21 Q. On-average, how much would each
22 car sell for?

23 MR. KATAEV: Objection.

24 Vague, but you can answer.

25 A. I don't know what she sold the

1 Deana Jennings

2 vehicles for, a lot goes into the year,
3 make, model and mileage.

4 Q. How about on-average?

5 A. I would not be able to come up
6 with a figure for that.

7 Q. Are you familiar with the
8 working schedule for and let's start from
9 Hillside Auto Mall employees?

10 A. Yes.

11 Q. What was the working schedule?

12 A. What year do you mean, going
13 back to when?

14 Q. Let's start from 2017.

15 A. The employees at Auto Mall
16 usually would work -- the schedule would
17 always change, but it used to be six days
18 with two days off per week and it would
19 rotate sometimes. Now, we are down to maybe
20 they do probably five days, one day off,
21 rotating on Sundays, possibly and I don't
22 really handle scheduling.

23 Q. Who handled scheduling for
24 Hillside Auto Mall?

25 A. Raymond Phelan.

1 Deana Jennings

2 Q. Was the schedule the same in
3 2016?

4 A. I can't recall that far back.

5 Q. How about for Hillside Auto Mall
6 in 2018, was it also six days a week with
7 alternating Sundays off?

8 A. I can't recall that far back.

9 Q. What can you recall in terms of
10 the schedule at Hillside Auto Outlet?

11 A. Auto Outlet?

12 Q. Yes.

13 A. Ishaque handled the scheduling,
14 so I don't know.

15 Q. When was the start time for
16 Hillside Auto Mall employees?

17 A. I wouldn't know, I didn't have
18 anything to do with the scheduling or what
19 time people started.

20 Q. What about the end time, are you
21 familiar with the end time?

22 A. No.

23 Q. Are you familiar with start time
24 or end time at Hillside Auto Outlet?

25 A. For the hours of actual

1 Deana Jennings

2 operation or the salesperson's start and end
3 time?

4 Q. Let's start from the salesperson
5 start and end time.

6 A. I don't know how Isaac set their
7 schedule up.

8 Q. Now, let's turn to the hours of
9 operation; what was the start and end time
10 for the hours of operation?

11 A. If my memory serves me
12 correctly, it was 10 to maybe -- maybe 10 to
13 7 or 8.

14 Q. Besides yourself and the
15 bookkeeper that you mentioned earlier, was
16 there anyone else who would calculate the
17 employee's pay at either Hillside Auto Mall
18 or Hillside Auto Outlet?

19 A. Hillside Auto Mall was only me,
20 and Hillside Auto Outlet, I don't know if
21 anyone else tallied it up, but the
22 bookkeeper would give it to me and I would
23 assume she was the one that tallied up the
24 information in the computers for that week.

25 Q. Is that bookkeeper that you

1 Deana Jennings

2 mentioned, did that bookkeeper change?

3 A. Yes.

4 Q. What are the names of the
5 bookkeepers that you still recall the names
6 for?

7 A. All I remember, one name is Asha
8 and the other two I don't know their names
9 without my records.

10 MS. TROY: So, I'm going
11 to leave a blank for the two
12 names.

13
14 (Insert)

15
16 (Insert)

17 Q. Can you give the name that you
18 recall right now?

19 A. Asha A-S-H-A.

20 Q. Do you have her last name?

21 A. No. Not without my records.

22 MS. TROY: We will leave a
23 blank for you to look into
24 your records and fill in the
25 last name.

Deana Jennings

(Insert)

Q. How many people work for Hillside Auto Mall at any one time?

A. How many people work at Auto Mall at any one given time? It varies.

Q. Let's take a day, let's say a weekend day, how many people would be there?

A. Oh, I'm sorry. I thought you meant in general how many people were part of the employment staff. You just mean daily?

Q. Yes.

A. We could have all together the sales people, me, a porter, 5 or 6. Again, we had more employees throughout the years, some years we had less employees and I can't give you an accurate answer on that one.

Q. How about back in 2006, how many people would be working at Hillside Auto Mall on any given day?

A. Giving an example, maybe 10 or 12 or 13.

Q. How about for Hillside Auto

1 Deana Jennings

2 Outlet? And let's start from 2018.

3 A. I wouldn't know without my
4 records.

5 Q. How about in 2020, right before
6 you left, how many people would be working
7 at Hillside Auto Outlet on any given day?

8 A. I wouldn't know without my
9 records.

10 Q. Besides yourself, did anyone
11 else work between Hillside Auto Outlet and
12 Hillside Auto Mall at the same time?

13 A. No.

14 Q. To your knowledge, if a car is
15 not in stock, it is not present at Hillside
16 Auto Outlet lot, would the car salespeople
17 come over to Hillside Auto Mall to show cars
18 there?

19 A. Very seldom did it happen, but
20 we had a few other car dealerships on
21 Hillside Avenue. So, we had a variety and
22 we usually, if the customer wanted a
23 specific car, we would look and see who had
24 the car in inventory, Hillside Auto Mall or
25 Hillside Auto Outlet or previous dealerships

1 Deana Jennings

2 around, such as auctions or dealerships out
3 of state.

4 Q. Are you familiar with the
5 plaintiff in this case Leticia Stidhum?

6 A. Yes.

7 Q. How are you familiar with her?

8 A. She was employed at Hillside
9 Auto Outlet.

10 Q. Do you have any knowledge about
11 her working schedule?

12 A. I do not.

13 Q. Do you have any knowledge about
14 her work performance?

15 A. From what I have heard, she was
16 a very good salesperson, maybe one of the
17 top salespeople, monthly.

18 Q. Where did you hear that from?

19 A. Probably Isaac.

20 Q. To your knowledge, was she ever
21 disciplined?

22 A. I wouldn't know, I wouldn't be
23 part of that. So, I can't give you an
24 answer on that one. I am not part of the
25 disciplinary action department.

1 Deana Jennings

2 Q. Who was part of the
3 ``disciplinary action department?``

4 A. Isaac handled that.

5 MR. KATAEV: Objection to
6 the form.

7 Q. Did Hillside Auto Mall and/or
8 Hillside Auto Outlet have any policies about
9 keeping track of employee performances?

10 A. I wouldn't know off the top of
11 my head.

12 Q. Were the employee photos that
13 you previously described for us, was there
14 ever a time there would be a performance
15 evaluation there in that set of records?

16 A. Hillside Auto Mall, no, Hillside
17 Auto Outlet, I wouldn't know.

18 Q. Are you familiar with a DMV
19 clerk who worked for Hillside Auto Outlet
20 whose first name is Lily?

21 A. No.

22 Q. Do you know that Lily left
23 Hillside Auto Outlet while pregnant and that
24 she believed that she was terminated as a
25 result of her pregnancy?

1 Deana Jennings

2 MR. KATAEV: Objection as
3 to relevance and it's a
4 compound question. You can
5 answer the question.

6 A. I don't even recall who Lily
7 was. So, I don't know anything about it,
8 really.

9 MR. KATAEV: Also
10 objection to that as it calls
11 for a state of mind of
12 another person.

13 MS. TROY: Let's go off
14 the record.
15 (A discussion was held off
16 the record).

17 Q. You mentioned that the BDC also
18 had employees folders, was that one folder
19 or two folders at Hillside Auto Outlet?

20 A. I don't recall.

21 Q. Is it fair to say that if an
22 individual was at Hillside Auto Outlet that
23 that record would include, their records
24 would be in the employee files?

25 A. Their employment package and

Deana Jennings

their application would be in there, in that employee file. I don't recall how they filed commission sheets or how they kept them in the folders or whatnot at Hillside Auto Mall. There were two separate folders there.

Q. To your knowledge, was there any fixed break time for the employees at either Hillside Auto Outlet or Hillside Auto Mall?

A. No, they could just take a break whenever they wanted.

Q. Could you tell what type of employee a person is by looking at a pay stub and seeing how much that person had made as a base wage as well as the flat commission that you were talking about; specifically, I'm talking about Hillside Auto Outlet.

MR. KATAERV: Objection to the form, as its compound.

You can answer.

A. That's a lot of question. You could see who is more veteran in the sales department, and -- you could tell if

1 Deana Jennings

2 somebody just started, the top sales for the
3 company, it tells that, and then you really
4 can't gauge it precisely with numbers.

5 Q. Were there any car salespeople
6 who were paid a base pay of \$350 per week?

7 A. I can't answer that without my
8 records.

9 Q. How about a weekly pay of \$500.

10 A. That might have been -- again, I
11 wouldn't know the correct answer without my
12 records.

13 Q. Are you familiar with an
14 individual known as Andris Guzman?

15 A. Yes.

16 Q. How are you familiar with him?

17 A. He was employed at Hillside Auto
18 Outlet.

19 Q. What was his performance as a
20 sales manager/or general sales manager at
21 Hillside Auto Outlet?

22 A. I wouldn't know, but I heard
23 good things about him.

24 Q. What did you hear?

25 A. Professional, helping everybody

1 Deana Jennings

2 out, jumping in and got the job done.

3 Q. Were you at Hillside Auto Outlet
4 when Leticia Stidhum brought in a sonogram
5 and announced that she was pregnant?

6 A. No.

7 MR. KATAEV: Objection.
8 Assuming facts not in
9 evidence.

10 Q. When was the first day when you
11 heard that Leticia was pregnant?

12 MR. KATAEV: Objection.
13 It assumes facts not in
14 evidence. You can answer the
15 question.

16 A. I can't recall that long ago.

17 Q. Do you recall if at the time
18 when you found out that Leticia was
19 pregnant, if she was still employed by
20 Hillside Auto Outlet.

21 MR. KATAEV: Same
22 objection. You can answer.

23 A. I believe she was pregnant and
24 still employed at Hillside Auto Outlet.

25 Q. How did you find out?

1 Deana Jennings

2 A. About her pregnancy?

3 Q. Correct?

4 A. I can't recall. I don't know if
5 I heard it from her when I was there one
6 day, I don't recall.

7 Q. Besides yourself, who else knew
8 about her pregnancy?

9 MR. KATAEV: Objection.

10 Q. (Continuing) My timing is while
11 she was still employed at Hillside Auto
12 Outlet.

13 MR. KATEV: Objection.
14 Calls for a state of mind of
15 another person. You can
16 answer.

17 A. I don't know exactly who now,
18 who she told.

19 Q. Was Isaac aware?

20 A. I'm sure he was.

21 Q. Why do you say that?

22 MR. KATAEV: Same
23 Objection.

24 A. Because he was the general
25 manager. You just mentioned that she

1 Deana Jennings

2 brought in the sonogram to the dealership,

3 Isaac worked seven days a week.

4 Q. How about Andris Guzman, did he
5 know of Leticia's pregnancy, to your
6 knowledge?

7 A. I don't know if he was aware
8 when she became pregnant.

9 Q. Did you look at her sales or
10 commissions and compare her sales before and
11 after the pregnancy announcement?

12 A. No.

13 Q. I'm showing you a series of
14 documents, Plaintiff's Exhibit 2. It is
15 page 1251, and it's the 1099 compensation or
16 a week is \$2,500. Do you know who this
17 individual is?

18 A. I can't recall.

19 Q. Do you know what position this
20 person is in?

21 MR. KATAEV: Objection as
22 to relevance. You can
23 answer.

24 A. No.

25 Q. We're on page 1252, this

1 Deana Jennings

2 individual was paid \$650 a week. Do you
3 know what position this individual is in?

4 A. No.

5 Q. Now looking at page 1254, number
6 2, is it fair to say, and let's backtrack
7 for a second. My question is: what position
8 did this individual have?

9 A. I can't tell.

10 Q. How about this individual on
11 page 1255?

12 A. I can't tell from the picture.

13 Q. However the individual on page
14 1256 with a base salary of \$200?

15 A. Again, I can't tell.

16 Q. The individual on page 1257 with
17 a base salary of 300?

18 A. I can't tell.

19 Q. Is there any individual for whom
20 you can tell which position the individual
21 is in just by looking at the pay stub?

22 A. Just the earnings? I can't tell
23 based on what is shown in the documents.

24 Q. Just for the record, Isaac
25 Thanwalla said during his deposition that he

Deana Jennings

was also unable to tell which position the individuals were in, and the redacted records that were produced for the comparator of Leticia Stidhum. At the time, he said that he would ask the accountant and look at that and provide the information to this office. To this day, no information has been provided and we're now doing the 30(b)6 witness. It seems like the corporate witness's representative, is also unable to provide the information. But, with respect to the comparators that were employed.

MS. TROY: Demand number 20 for the employee files of Leticia Stidhum, including the sales commissions sheet that was previously requested or not provided.

Demand number 21 is the employee file for the DMV clerk Lily, who was fired at the time that she was pregnant. We don't need all the files, we just need

1 Deana Jennings
2 anyone with information,
3 written documents relating to
4 her discipline as well as her
5 termination that is on file.

6 MR. KATAEV: Please
7 follow-up in writing.

8 MS. TROY: Also the last
9 name and her last name and
10 last known address.

11 MS. TROY: Do you guys
12 want to take a 10 minute
13 break or do you want to take
14 a lunch break? It's up to
15 you guys.

16 MR. KATAEV: 10 minutes is
17 fine.

18 MS. TROY: Let's come back
19 in 10 minutes, let's come
20 back at 11:55.

21 (A recess was taken from
22 11:44 a.m. until 11:54 a.m.)

23 MS. TROY: We are back on
24 the record at 11:54. Let's
25 continue.

Deana Jennings

Demand number 22 will be the office records pertaining to the number of cars sold at Hillside Auto Outlet, and specifically for Leticia Stidhum and the other car salespeople, and that would be October, 2018 until February of 2019.

MR. KATAEV: Please put those demands in writing.

Thank you.

Q. Are you familiar with the Dealertrak system?

A. Yes.

Q. To your knowledge, who has access to the Dealertrak system at Hillside Auto Outlet in 2018?

A. To the best of my knowledge, it's the manager, Isaac, the finance managers, and Andris Guzman, Andris Guzman.

Q. You were working for Hillside Auto Outlet, were there times when you would be present on the sales floor?

1 Deana Jennings

2 A. Passing through from the front
3 door to the office, not lingering or sitting
4 there?

5 Q. Was there ever a time when you
6 would see Leticia Stidhum running the credit
7 on the Dealertrak system?

8 A. No, not to my knowledge.

9 Q. To your knowledge, was she ever
10 given access to Dealertrak by Isaac?

11 A. I wouldn't know if Isaac gave
12 somebody access. Again, the managers had --
13 I would say it's highly unlikely.

14 Q. Did Isaac personally train
15 Leticia on how to run credit on the
16 Dealertrak system?

17 A. I would have no idea.

18 Q. The cell phone that you left in
19 your car, is that the same cell phone that
20 you used back in 2018 or 2019?

21 A. No.

22 Q. What is the phone that you used
23 back in 2018/2019?

24 A. I don't know iPhone-something 8,
25 I believe.

1 Deana Jennings

2 Q. Do you use an iPhone currently?

3 A. Yes, I do.

4 Q. What is your phone number?

5 A. 732-858-2614.

6 Q. Is that number back in

7 2018/2019?

8 A. When did I change my number

9 last? I believe so, but I can't remember.

10 I don't know exactly when I changed it.

11 Q. While you were the controller of

12 Hillside Auto Outlet, did you communicate

13 with any of the named defendants or the

14 plaintiff by text?

15 A. I'm sure I have.

16 Q. Do you still have any of those

17 text messages?

18 A. No.

19 Q. Do you know why not?

20 A. I don't like a long list of

21 messages on my phone. I have OCD, and I

22 don't like having all of those names. I try

23 to keep it to who I spoke to and -- on a

24 daily basis, and the list is short.

25 Q. Were any of the text messages

1 Deana Jennings

2 with the named defendants about Leticia
3 Stidhum?

4 A. Do you mean current day?

5 Q. Let's start from currently, and
6 then we will work our way back.

7 A. No. Possibly like for documents
8 for the case.

9 Q. How about back in 2018 and 2019?

10 A. Not that I can recall. I don't
11 really have interaction with the salespeople
12 like that, usually something -- that's
13 something that the manager can help them if
14 they have a question or something where you
15 ask a manager to help you.

16 Q. What was your email back then in
17 2018/2019?

18 A. D-E-E 216456@aol.com.

19 Q. Through your aol email address,
20 did you ever send emails to or from any of
21 the named defendants about Leticia?

22 A. No, not back then. Maybe
23 pertaining to the case.

24 Q. Do you have a work email as
25 well?

1 Deana Jennings

2 A. No. We had one, but I don't use
3 it and we didn't continue the subscription
4 for the Gmail account.

5 Q. Are you familiar with Auto
6 Funds?

7 A. To an extent.

8 Q. To your knowledge, what is Auto
9 Funds?

10 A. I believe it's the company that
11 feeds our inventory to our computer website.

12 Q. To your knowledge, did Leticia,
13 would Leticia ever be given access to Auto
14 Funds?

15 A. I wouldn't know the answer to
16 that question.

17 Q. I'm now showing you on the
18 screen what was marked as Plaintiff's
19 Exhibit 2, and we are on page 2. I'm going
20 to scroll down.

21 (Ms. Troy complies).

22 You recognize this document on page 2?

23 A. It looks like maybe VIN
24 Solutions, but I really can't tell. I don't
25 deal with the leads with respect to the

1 Deana Jennings

2 dealership. It looks like VIN Solutions.

3 Q. Is it fair to say that VIN
4 Solutions understated the number of cars
5 sold?

6 MR. KATAEV: Objection as
7 to the form. There was no
8 evidence --

9 A. I don't know if it's accurate,
10 but they do keep some of what a total for
11 the interaction of the sales customers with
12 the sales records.

13 Q. Was the bookkeeper the same as
14 the assistant office manager at Hillside
15 Auto Outlet?

16 A. I don't know.

17 Q. Do you have the names?

18 A. Yes, Asha.

19 Q. Who else?

20 A. Just her. What was her
21 position, is it just bookkeeper?

22 A. She was the bookkeeper and I
23 don't know If she had the title of office
24 manager. They are mainly the same thing,
25 just bookkeeper, I would say.

1 Deana Jennings

2 Q. Are you familiar with an
3 individual whose name is Ali A-L-I?

4 A. Ali used to work at Outlet.

5 Q. What was his position?

6 A. I think he was manager of some
7 sort.

8 Q. Let's backtrack for a second: do
9 you have use of any social media platforms
10 like WhatsApp or Facebook Messenger to
11 check with any of the named defendants?

12 MR. KATAEV: Objection to
13 the assent that this was not
14 something that she can answer
15 in her capacity as a 30(b)6
16 witness.

17 A. I don't really message people on
18 social media, I am more of a texter or
19 calling person. So, I am pretty sure none
20 of them have -- I don't have social media
21 really, I don't have WhatsApp and I don't
22 keep that up. Maybe my landlord uses that
23 for me, but that's it.

24 Q. Did Leticia at any point tell
25 you personally about her pregnancy?

1 Deana Jennings

2 A. Again, I don't recall how I
3 found out. I think I remember knowing about
4 it and congratulating her, but I don't know
5 how I found out whether it's from her or
6 someone else, being aware that she was
7 pregnant at that time.

8 Q. Do you recall if this was before
9 or after Christmas when you congratulated
10 her?

11 A. I can't recall.

12 Q. How about before or after
13 Thanksgiving?

14 A. I can't recall.

15 Q. Was it before or after New
16 Year's?

17 A. I can't recall.

18 Q. Do you recall when Isaac made
19 his trip to Pakistan in 2018, December?

20 A. I believe it was -- there was a
21 few dates that he went.

22 Q. I'm asking you about December of
23 2018.

24 A. No, I just know it was the end
25 of December. I believe he was gone for a

1 Deana Jennings

2 couple of weeks.

3 MS. TROY: Maybe now will
4 be a good time for us to take
5 a quick lunch break. It is
6 now 12:10 and let's come back
7 at 12:55.

8 MR. KATAEV: That should
9 be fine.

10 (A recess was taken from
11 12:10 p.m. until 12:55 p.m.)

12 MS. TROY: We're back on
13 the record at 12:55

14 Q. We are almost done. Let's go
15 back on the record, and Ms. Jennings, can
16 you let me know who the CPA is for Hillside
17 Auto Mall?

18 A. Hillside Auto Mall?

19 Q. Right.

20 MR. KATAEV: Objection.
21 You can answer.

22 A. I would have to check my records
23 depending on the year, who should be the
24 accountant because it fluctuates.

25 Q. How about for Hillside Auto

1 Deana Jennings

2 Outlet?

3 A. Pretty much the same thing. It
4 fluctuates depending on the year, which
5 owner decided to go with which company.

6 Q. Do you recall in 2018/2019 who
7 the CPA?

8 A. I can't recall without my
9 records that far back.

10 MS. TROY: Demand number
11 23 will be documents
12 sufficient to establish the
13 name and address of the
14 accountants for Hillside Auto
15 Mall in 2018/ 2019.

16 Demand 24 will be for
17 documents sufficient to
18 identify the CPA for Hillside
19 Auto Outlet for 2018/2019.

20 Q. Ms. Jennings, when were you told
21 to not bring your cellphone to the
22 deposition?

23 MR. KATAEV: Objection.
24 With the caveat that if you
25 had any conversations with

1 Deana Jennings
2 your attorney about the
3 subject, I instruct you not
4 to answer.

5 A. (No response).

6 Q. Did anyone besides your attorney
7 tell you not to bring this cell phone to
8 this deposition today?

9 A. No. I left it charging in my
10 car because I needed the navigation to come
11 here from New Jersey. I did not unplug my
12 phone from my charger.

13 Q. Are you aware that during the
14 break I made a request to your attorney for
15 you to bring your cell phone back to the
16 deposition at or before the end of the lunch
17 break?

18 MR. KATAEV: Objection as
19 to attorney/client privilege.
20 I instruct the witness not to
21 answer the question.

22 MS. TROY: I'm not asking
23 what was said between you and
24 her, I'm asking her if she
25 was aware that there was a

1 Deana Jennings

2 demand that was made for the
3 cell phone to be brought back
4 from the car to the
5 deposition.

6 MR. KATAEV: I'm going to
7 qualify my objection. If you
8 have any independent
9 knowledge of that, you may
10 answer from your knowledge.
11 If your knowledge is based on
12 my conversations with you,
13 you may not answer.

14 A. I am confused right now. I
15 don't recall being notified about anyone's
16 cell phone, it is 30 degrees outside and I'm
17 not walking outside to get it.

18 Q. Are you familiar with the sales
19 process at Hillside Auto Outlet?

20 A. To an extent, yes.

21 Q. What is the sales process, and
22 please break it down into the different
23 components with the approximate time?

24 A. Well, customer comes in and they
25 proceed and they meet with the salesperson.

Deana Jennings

I don't know how long it takes for them, but they look at a vehicle that they are interested in, and see if it's in their price range. Usually after they land a car, the salesperson gives the sales manager or the manager the corresponding application to submit. It could take between maybe 15 or 20 minutes to maybe 45 minutes to an hour. There is a lot of qualifications and verifications such as pay stubs, identity, Asha, red flags.

After that is said and done, then it goes to the finance manager and he will submit everything to the bank. Then, they will wait for the bank to give them an approval or not.

Q. When you talked about the salesperson would give the sales manager the credit application to submit, is that where the Dealertrak comes in?

A. Yes.

Q. Have you ever seen or do you have knowledge of the fact that other car salespeople's credit applications were

1 Deana Jennings

2 prioritized over Leticia Stidhum's customers
3 credit applications?

4 A. No.

5 Q. Were you aware of any
6 communications between any of the named
7 defendants with the plaintiff, Leticia
8 Stidhum, about promoting her to a sales
9 manager position?

10 A. Not that I was made aware of.

11 Q. Backtracking for a moment, are
12 you familiar with whether customers of
13 Hillside Auto Outlet walked out as a result
14 of the long wait time?

15 A. No.

16 Q. Were you aware that Leticia
17 Stidhum complained about the longer wait
18 time?

19 A. No, not until this case.

20 Q. Are you a party to any other
21 civil proceeding besides this one?

22 A. No.

23 MS. TROY: I have no
24 further questions for you.
25 Thank you, Ms. Jennings.

Deana Jennings

[Time noted: 12:54 p.m.]

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WITNESS	EXAMINATION BY	PAGE
Ms. Jennnings	Ms. Troy	6

PLAINTIFF EXHIBITS		
Number	Description	PAGE
20	ID - Deemed marked	6

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REQUESTS

Number	Description	PAGE
22	Demand No. 22 is: MS. TROY: Will be the office records pertaining to the number of cars sold at Hillside Auto Outlet, and specifically, for Leticia Stidhum and the other car salespeople, and that would be October, 2018 until February of 2019.	67
23	Demand No. 23 is: MS. TROY: Will be documents sufficient to establish the name and address of the accountants for Hillside Auto Mall in 2018/2019.	76
24	Demand No. 24 is: MS. TROY: Will be for documents sufficient to	76

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identify the CPA for
Hillside Auto Outlet for
2018/2019.

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QUESTIONS MARKED FOR A RULING: PAGE/LINE

(None)

ACKNOWLEDGMENT

STATE OF NEW YORK)

)s.s.

COUNTY OF MIDDLESEX)

I, DEANA JENNINGS, hereby certify
that I have read the transcript of my
testimony taken under oath in my deposition
of March 10, 2023; that the transcript is a
true, complete and correct record of my
testimony, and that the answers on the
record as given by me are true and correct.

DEANA JENNINGS

Signed and subscribed before me
this ____ day of _____, 2023.

Notary Public

C E R T I F I C A T E

STATE OF NEW YORK)
)s.s.
COUNTY OF NASSAU)

I, LYNN LUCKMAN, a Shorthand
Reporter and Notary Public within and for
the State of New York, do certify that;

THAT the witness whose deposition
is hereinbefore set forth, was duly sworn by
me, and that such deposition is a true
record of the testimony given by such
witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage; that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 21st day of March,
2023.

A handwritten signature in cursive script that reads "Lynn Luckman". The signature is written in dark ink and is positioned above a horizontal line.

LYNN LUCKMAN

1 Errata Sheet

2

3 NAME OF CASE: LETICIA FRANCINE STIDHUM -against- 161-10 HILLSIDE AUTO AVE, LLC

4 DATE OF DEPOSITION: 03/10/2023

5 NAME OF WITNESS: DEANA JENNINGS

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From _____ to _____

12 Page ____ Line ____ Reason ____

13 From _____ to _____

14 Page ____ Line ____ Reason ____

15 From _____ to _____

16 Page ____ Line ____ Reason ____

17 From _____ to _____

18 Page ____ Line ____ Reason ____

19 From _____ to _____

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21 From _____ to _____

22 Page ____ Line ____ Reason ____

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